

United States District Court

for

District of Guam

Report for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: **William Gay, Jr.** Case Number: **CR 07-00028-001**

Name of Sentencing Judicial Officer: Honorable Frances M. Tydingco-Gatewood

Date of Original Sentence: July 5, 2007

Original Offense: Count I - Theft of Government Property, in violation of 18 U.S.C. § 641

Count II - Entering Military, Naval, or Coast Guard Property, in violation of 18 U.S.C. § 1382

Original Sentence: Three years probation for Count I and three years probation for Count II, to be served concurrently with conditions to include that he shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon as defined by federal, state or local law, cooperate in the collection of DNA, not unlawfully possess and use a controlled substance, submit up to eight drug tests per month, refrain from any and all use of alcohol, participate in a substance abuse program with drug testing, perform 100 hours of community service, pay a \$110 special assessment fee and a \$250 fine.

Type of Supervision: **Probation** Date Supervision Commenced: **July 5, 2007**

PETITIONING THE COURT

To extend the term of supervision for _____ years, for a total term of _____ years.

To modify the conditions of supervision as follows:

The defendant shall undergo a mental health assessment and, if deemed appropriate, he shall participate in the recommended treatment as approved by the U.S. Probation Office. He shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office.

CAUSE

On May 8, 2008, this Probation Officer was contacted by the defendant's father, William Gay, Sr., who stated that his son borrowed the family vehicle on May 2, 2008, to cash his Government of Guam payroll check, however, he failed to return home on a timely basis. Instead, the defendant returned home on Saturday morning, May 3, 2008. Mr. Gay surmised that his son was up to his "old habits" and when further questioned, Mr. Gay indicated that his son used to be addicted to gambling machines. On May 9, 2008, this Officer spoke to the defendant who admitted that he has a gambling problem. He agreed to be referred for a mental health assessment, and, if deemed appropriate, participate in treatment services.

The defendant submitted to DNA collection on September 13, 2006, completed the drug treatment and drug testing program on July 30, 2007, paid his special assessment fee on July 23, 2007, paid his fine on July 23, 2007, and completed 100 hours of community service on November 13, 2007. He remains compliant with his other conditions of supervised release and is gainfully employed.

Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with the defendant's consent to the modification.

Reviewed by:

Respectfully submitted,

 CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader

Date: May 19, 2008

Date: May 19, 2008

 MARIA C. CRUZ
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above.
- The Modification of Conditions as Noted Above.
- Other